

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Marc NEUBERGER

Serial No. 09/912,446

Group Art Unit: 2626

Confirmation No. 4445

Filed: July 26, 2001

Examiner: Michael N. Opsasnick

For: METHOD AND SYSTEM FOR AUGEMENTING GRAMMARS IN DISTRIBUTED VOICE
BROWSING ENVIRONMENT TO CONTROL A CALL (as amended)

**RENEWED PETITION UNDER 37 C.F.R. § 1.181 TO WITHDRAW THE HOLDING OF
ABANDONMENT**

Mail Stop: Petition

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In the above-referenced application, a Petition pursuant 37 C.F.R. § 1.181 was filed on May 6, 2009 to withdraw the holding of abandonment indicated in the Notice mailed April 14, 2009. The Petition was dismissed (see attached copy of Notice mailed May 26, 2009).

The Notice of Abandonment mailed April 14, 2009 indicated that a proposed reply was received on January 9, 2009, but it does not constitute a proper reply under 37 CFR 1.113(a) to the final rejection.

On January 9, 2009 an Amendment and a Request for Continued Examination (RCE) were submitted. The January 9, 2009 Amendment was filed electronically while the RCE was filed on January 9, 2009 via Certificate of Mailing. A Certificate of Transmission under 37 CFR 1.8 was included with the correspondence.

The Notice from the U.S. Patent and Trademark Office dated May 26, 2009 indicated that the Petitioner's copy of the RCE submitted with the May 6, 2009 Petition did not provide any supporting evidence.

Attached herein is a copy of the RCE as filed, along with a Declaration of Mrs. Nova Johns, an Intellectual Property Assistant at Staas & Halsey LLP, showing that the RCE was filed by the due date of January 9, 2009 via certificate of mail. The enclosed Declaration includes a statement attesting to the previous timely mailing of the RCE. In addition, the undersigned practitioner conducted a search of the file jacket of this application and the copy of the RCE filed on January 9, 2009, along with all other previous filings, was found therein.

As indicated on the RCE as filed, Mrs. Nova Johns, deposited the same with the United States Postal Service as first class mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313.

A copy of the docket record where the RCE was docketed when mailed via certificate of mailing, is attached hereto. As shown on page 3, "Action" and "completed date" of the master docket records of the firm showing all Action due dates and Action completion dates, an RCE was filed on January 9, 2009. The master data center (mdc) docketing software master docket record docket report ("Patent Data") shows the history of the above-identified application, where the Office action of July 9, 2008 is entered, as well as the due date of January 9, 2009 for filing of the Amendment After Final and the RCE. As shown therein, based on a search of the Staas & Halsey docket records, the RCE was filed. In addition, the undersigned practitioner conducted a search of the file jacket of this application and a copy of the RCE was found therein.

It is respectfully submitted that a complete Response was timely filed in this application, and it is respectfully requested that the holding of abandonment should be withdrawn.

In the event any fees are required with respect to the filing of this paper, please charge our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 06/26/2009

By: 

Temnit Afework
Registration No. 58,202

1201 New York Ave, N.W., 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501